

Joseph R. Saveri (State Bar No. 130064)
 Eric B. Fastiff (State Bar No. 182260)
 Brendan Glackin (State Bar No. 199643)
 Dean Harvey (State Bar No. 250298)
 Anne B. Shaver (State Bar No. 255928)
 Katherine M. Lehe (State Bar No. 273472)
 LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP
 275 Battery Street, 29th Floor
 San Francisco, CA 94111-3339
 Telephone: (415) 956-1000
 Facsimile: (415) 956-1008

Attorneys for Individual and Representative Plaintiffs
 Siddharth Hariharan, Brandon Marshall, Michael Devine,
 Mark Fichtner, and Daniel Stover

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SIDDHARTH HARIHARAN,
 individually and on behalf of all others
 similarly situated,

Plaintiff,

v.

ADOBE SYSTEMS INC., *et al.*,

Defendants.

Case No. C 11-2509 SBA

**[PROPOSED] ORDER GRANTING
 PLAINTIFFS' UNOPPOSED
 ADMINISTRATIVE MOTION TO
 TRANSFER ACTIONS TO THE SAN JOSE
 DIVISION**

BRANDON MARSHALL, individually
 and on behalf of all others similarly
 situated,

Plaintiff,

v.

ADOBE SYSTEMS INC., *et al.*,

Defendants.

Case No. C 11-3538 SBA

[Caption continued next page]

MICHAEL DEVINE, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

ADOBE SYSTEMS INC., *et al.*,

Defendants.

Case No. C 11-3539 SBA

MARK FICHTNER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

ADOBE SYSTEMS INC., *et al.*,

Defendants.

Case No. C 11-3540 SBA

DANIEL STOVER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

ADOBE SYSTEMS INC., *et al.*,

Defendants.

Case No. C 11-3541 SBA

WHEREAS all Plaintiffs in the above-captioned actions have filed an Unopposed
Administrative Motion to Transfer the Actions to the San Jose Division of the Northern District
of California;

THE COURT HEREBY FINDS THAT:

1. All five complaints allege Defendants engaged in a conspiracy with each other to
fix their employees' compensation. (*Hariharan* Compl. ¶ 1; *Devine* Compl. ¶ 1;
Marshall Compl. ¶ 1; *Fichtner* Compl. ¶ 1; and *Stover* Compl. ¶ 1.) Five of the
seven Defendants are headquartered in Santa Clara County. The five complaints
allege the other two Defendants, Pixar (headquartered in Alameda County) and
Lucasfilm Ltd. (headquartered in San Francisco County), reached agreements with
the Santa Clara County-based Defendants.
2. Plaintiffs in four of the five actions allege they were employed by a Defendant

headquartered in Santa Clara County. Plaintiffs Michael Devine and Brandon Marshall worked as software engineers for Defendant Adobe Systems Inc., headquartered in San Jose. (*Devine* Compl. ¶ 21; *Marshall* Compl. ¶ 21.) Plaintiff Mark Fichtner worked as a software engineer for Defendant Intel Corp., headquartered in Santa Clara. (*Fichtner* Compl. ¶ 21.) Plaintiff Daniel Stover worked as a software engineer for Defendant Intuit Inc., headquartered in Mountain View. (*Stover* Compl. ¶ 21.)

3. In the fifth action, Plaintiff Siddharth Hariharan worked as a software engineer for Defendant Lucasfilm Ltd., headquartered in San Francisco County. (Hariharan Compl. ¶ 19.) Hariharan alleges he was harmed by all Defendants' illegal agreements, including those in which the Santa Clara County-based Defendants participated. (*Hariharan* Compl. ¶¶ 19, 25, 48-85.)
4. Five of the seven Defendants—Adobe, Apple, Google, Intel, and Intuit—maintain their principal places of business in Santa Clara County. By Defendants' estimates, these five Defendants employed at least 98% of class members. These five Defendants allegedly negotiated, finalized, implemented, and enforced agreements to eliminate competition among each other, within Santa Clara County. (*Devine* Compl. ¶¶ 61-96; *Marshall* Compl. ¶¶ 61-96; *Fichtner* Compl. ¶¶ 61-96; and *Stover* Compl. ¶¶ 61-96.) Thus, the majority of the percipient witnesses, relevant documents, and defendants will be located in Santa Clara County.
5. Because a substantial part of the events and omissions which give rise to Plaintiffs' claims occurred in Santa Clara County, venue in the San Jose Division is appropriate. Civ. L.R. 3-2(c). In addition, it will be more convenient for the parties and witnesses and in the interests of justice for all five cases to proceed before a Judge in the San Jose Division. Civ. L.R. 3-2(h).
6. Transfer to the San Jose Division pursuant to Civil Local Rule 3-2(h) is appropriate. *See, e.g., Rivera v. Hewlett Packard Corp.*, Case No. 03-0939, 2003

WL 24029472, at *1-*2 (N.D. Cal. Apr. 22, 2003) (Armstrong, J.) (granting Hewlett Packard's motion for transfer to the San Jose Division in an unlawful termination case, because Hewlett Packard maintained its principal place of business in Santa Clara County); *Baltazar v. Apple Inc.*, Case No. 10-3231, 2010 WL 4392740, at *1 (N.D. Cal. Oct. 29, 2010) (White, J.) (granting Apple's motion for transfer to the San Jose Division in a product defect case regarding the iPad, where the design and development of the iPad occurred in Santa Clara County, and the advertising and marketing plans were developed there as well).

ACCORDINGLY, FOR GOOD CAUSE SHOWN, THE COURT HEREBY ORDERS THAT: the following actions are transferred to the San Jose Division of the Northern District of California:

1. *Hariharan v. Adobe Systems Inc., et al.*, Case No. 11-CV-2509-SBA;
2. *Marshall v. Adobe Systems Inc., et al.*, Case No. 11-CV-3538-SBA;
3. *Devine v. Adobe Systems Inc., et al.*, Case No. 11-CV-3539-SBA;
4. *Fichtner v. Adobe Systems Inc., et al.*, Case No. 11-CV-3540-SBA; and
5. *Stover v. Adobe Systems Inc., et al.*, Case No. 11-CV-3541-SBA.

IT IS SO ORDERED.

Dated: _____

SAUNDRA BROWN ARMSTRONG
United States District Judge